

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

Pamela F. Beiler,

Plaintiff,

vs.

Fifth Third Bank,

Defendant.

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Fifth Third Bank,

Counterclaim Plaintiff,

vs.

Scott Foster,

Counterclaim Defendant.

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Scott Foster,

Counterclaim Plaintiff,

vs.

Fifth Third Bank and DOES 1-50, inclusive,

Counterclaim Defendants.

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**Case No. 1:13-cv-000867-TDS-JEP**

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

**(Fed. R. Civ. P. 41(a)(1)(A)(ii))**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties in the above-captioned matter hereby stipulate and agree to dismiss this action with prejudice. Further, each party agrees to bear its own costs, expenses, and attorneys' fees. The Court shall retain jurisdiction over this action for the limited purpose of resolving any dispute between the parties with respect to the terms of, or the enforcement of, the agreement settling this action.

Respectfully submitted,

*s/ William L. Downing*

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<sup>1</sup> Granted permission to participate in electronic filing pursuant to LR 5.3(c)(2) by Order dated June 20, 2014 (Docket Entry No. 38).

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2014, I electronically filed the foregoing Stipulation of Dismissal With Prejudice with the Clerk of the Court using CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

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## **HAYNSWORTH SINKLER BOYD, PA**

*s/ Charles M. Sprinkle*

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